

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CYCLE-CRAFT CO., INC. d/b/a
BOSTON HARLEY-DAVIDSON/BUELL,

Plaintiff,

v.

HARLEY-DAVIDSON MOTOR COMPANY, INC.
and BUELL DISTRIBUTION COMPANY, LLC,

Defendants.

CIVIL ACTION
NO. 04 11402 NMG

ASSENTED TO MOTION TO AMEND SCHEDULING ORDER

Plaintiff Cycle-Craft Co., Inc. d/b/a Boston Harley-Davidson/Buell ("Cycle-Craft") hereby moves this Court, with the assent of defendants, to amend the Scheduling Order in this case so that the parties have sufficient time to complete the necessary discovery. In support of this motion, Cycle-Craft states as follows:

1. On December 3, 2004, Defendants Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC (collectively "Harley-Davidson") filed a motion for a protective order, *inter alia*, to limit the scope of Cycle-Craft's 30(b)(6) deposition notice of November 11, 2004.
2. Cycle-Craft filed an opposition to this motion on December 21, 2004.
3. The parties have recently negotiated and reached a compromise on the discovery dispute under which Harley-Davidson would withdraw its motion for a protective order in exchange for certain geographic and temporal limits being placed on the discovery requested by Cycle-Craft.

4. Under the current Scheduling Order, fact discovery is due to be completed by March 31, 2005.

5. There are currently approximately 20-25 pending depositions to be scheduled, including many non-party depositions. More depositions may be noticed as the parties learn additional facts.

6. The parties do not believe that they can complete all depositions by March 31, 2005.

7. Now that the parties have reached a compromise on the discovery dispute, they believe that fact discovery could be completed by May 31, 2005 and have agreed to seek an extension of the fact discovery deadline until such date with all subsequent deadlines to be extended, except for the pre-trial conference and trial dates.

8. The parties' agreement and proposed changes to the Scheduling Order are reflected in accompanying Stipulation and Order.

WHEREFORE, Cycle-Craft respectfully requests that this Court grant its Assented to Motion to Amend Scheduling Order and enter the accompanying Stipulation and Order.

Respectfully submitted,

CYCLE-CRAFT CO., INC.

By its attorneys,

/s/ James C. Rehnquist
James C. Rehnquist (BBO# 552602)
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Dated: March 10, 2005

LOCAL RULE 7.1A(2) CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), counsel for Cycle-Craft conferred with counsel for Harley-Davidson in a good faith effort to determine whether defendant would assent to this Motion. Counsel for Harley-Davidson assented to the Motion to Amend Scheduling Order.

/s/ James C. Rehnquist

Dated: March 10, 2005

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